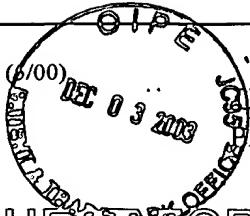


DEC 04 2003

Image RCE/1600

K&K FORM (6/00)

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

REQUEST FOR CONTINUED EXAMINATION (RCE)

TRANSMITTAL FORM (37 C.F.R. § 1.114)

DOCKET NO. 12013/56301	APPLICATION SERIAL NO. 09/542,935	EXAMINER Brian Whiteman	ART UNIT 1635
---------------------------	--------------------------------------	----------------------------	------------------

INVENTOR(S):
Maria PALASIS

Mail Stop RCE
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

12/05/2003 HDEMESS1 00000083 110600 09542935
01 FC:1801 770.00 DA

This is a request for continued examination under 37 C.F.R. § 1.114 (RCE) of pending application Serial No. 09/542,935 filed on April 4, 2000, entitled INSERTABLE OR IMPLANTABLE MEDICAL DEVICES SUITABLE FOR GENE THERAPY REGIMES.

The following constitute the submission required by 37 C.F.R. § 1.114(a) and is attached:

Reply Under 37 C.F.R. § 1.116, in response to the Final Office Action dated June 4, 2003.
 Information Disclosure Statement
 Drawing Changes

1. The filing fee for this RCE and the required amendment/submission is calculated below. The fee below is calculated based on the status of the claims after the entry of the attached amendment/submission. The fee for any new additional claims is included with this RCE, the fee for previously entered additional claims having already been paid.

	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT NUMBER EXTRA*	RATE (\$) PER CLAIM	FEE (\$)
BASIC FEE						770.00
TOTAL CLAIMS	32		51	0	18.00	0.00
INDEPENDENT CLAIMS	2		0	0	84.00	0.00
MULTIPLE DEPENDENT CLAIM					280.00	
				*Number extra must be zero or larger	TOTAL	770.00
	If Applicant is a small entity under 37 C.F.R. §§ 1.9 and 1.27, then divide total fee by 2, and enter amount here.				SMALL ENTITY TOTAL	0.00

2. Please charge the required RCE and submission filing fee of **\$770.00** to the deposit account of **Kenyon & Kenyon**, deposit account number **11-0600**.
3. Applicants respectfully request an **additional two-month extension of time** under 37 C.F.R. § 1.136(a) for responding to the Final Office Action mailed June 4, 2003, i.e. up to and including December 4, 2003. A one-month extension of time was obtained up to and including October 4, 2003 and the \$110.00 fee was paid. The extended period for a response expires on December 4, 2003. The Commissioner is hereby authorized to charge payment of the 37 C.F.R. § 1.136(a) additional two-month extension fee of **\$840.00** (\$950.00 -\$110.00) to the deposit account of **Kenyon & Kenyon**, deposit account number **11-0600**. A copy of this transmittal is enclosed

Respectfully submitted,

Dated: December 3, 2003

By:

Elizabeth M. Wieckowski
Elizabeth M. Wieckowski, Reg. No. 42,226

26646

26646

PATENT TRADEMARK OFFICE

KENYON & KENYON
One Broadway
New York, New York 10004
(212) 425-7200 (telephone)
(212) 425-5288 (facsimile)



Attorney Docket: 12013/56301

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : Maria PALASIS

Serial No.: 09/542,935

Filing Date: April 4, 2000

For: Insertable or Implantable Medical Devices
Suitable for Gene Therapy Regimens

Art Unit : 1635

Examiner : B. Whiteman

Mail Stop RCE
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE AND AMENDMENT UNDER 37 C.F.R. § 1.116

SIR:

This amendment is submitted in response to a final Office Action mailed June 4, 2003 and an Advisory Action mailed October 29, 2003. Applicant is concurrently submitting a Petition Under 37 C.F.R. §1.136 (a) for an additional two month extension of time in which to respond to the June 4, 2003 Office Action, up to and including December 4, 2003. Accordingly, this RCE and amendment are being timely submitted. Applicant respectfully submits that the present amendments and remarks place the subject application into condition for allowance.

Please enter the following amendments.

12/05/2003 HDEMESS1 00000083 110600 09542935

02 FC:1253 840.00 DA